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November 7, 2022

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**Honorable Judge Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007**

**RE: *Square One Choices Inc. v. Ditec Solutions LLC*
USDC SDNY Case No. 1:22-cv-07680**

Dear Judge Gardephe:

I am writing regarding the Notice of Pretrial Conference issues by the Court in this matter on September 20, 2022, *see* Dkt. No. 4 (“the Notice of Pretrial Conference”). Defendant respectfully requests that the conference either be adjourned or rescheduled, for the reasons set forth in further detail below.

While I have not yet entered an appearance in this case, I will be filing one soon. We were recently retained by Defendant in connection with this newly filed matter and I will be applying for admission *pro hac vice* as soon as the required certificates from our local jurisdiction come in. They have been ordered. My partner, Steven Susser, will also be appearing in this case. Mr. Susser is admitted to practice in New York.

The Notice of Pretrial Conference has directed the parties to appear for a Rule 16 pretrial conference on December 1, 2022. [*Id.*]. Defendant requests that this hearing be adjourned as Defendant will be filing a request for pre-motion conference on a Motion to Dismiss under Fed. R. Civ. P. 12(b) as a result of improper venue. While Plaintiff does not concur in the relief sought in the forthcoming motion to dismiss, their counsel indicated they would not oppose the adjournment of the scheduling conference until Defendant’s Motion to Dismiss is decided.

In the event that the Court prefers not to adjourn the scheduling conference, Defendant requests that it be reset. The reason for this request is that I, unfortunately, have a hearing set in another matter at the same time on the same date as the noticed pretrial conference. We corresponded with Plaintiff’s counsel on this point as well, and they indicated that they do not oppose moving the date. If this is what the Court prefers, and if the Court is amenable to providing the parties with dates that it is available, counsel for Defendant will work with counsel for Plaintiff to find an option among those provided by the Court that works for all of the parties.

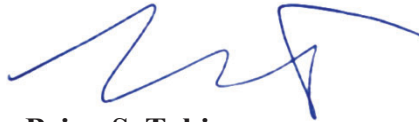
Hon. Judge Paul G. Gardephe
November 7, 2022
Page 2

Defendant's response to the Complaint is due next week. Defendant will file its request for a pre-motion conference before the deadline. We understand this request will stay any deadlines related to answering or otherwise responding to the Complaint, per your Individual Rules of Practice for Civil Cases.

Thank you in advance for your time and consideration regarding this matter. Please let us know if you need any additional information.

Very truly yours,

Carlson, Gaskey & Olds, P.C.

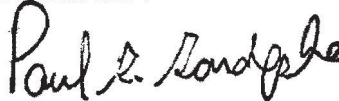


Brian S. Tobin
(Michigan Bar No. P67621)

BST/hs

MEMO ENDORSED: The application is granted. The conference scheduled for December 1, 2022, is adjourned to December 8, 2022, at 10:00 a.m. in Courtroom 705 of the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY.

SO ORDERED.



Paul G. Gardephe
United States District Judge

Dated: November 14, 2022